

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1334 (Delegates Menes and Vallario)

Judiciary

Punitive Damages - High Risk Drunk Drivers

This bill provides that a finder of fact may determine that a person was acting with malice and award punitive damages if the person causes personal injury or wrongful death while driving or attempting to drive a motor vehicle while having a specified blood alcohol level under certain circumstances.

The bill may not be applied to any cause of action arising before the bill's October 1, 2000 effective date.

Fiscal Summary

State Effect: The bill would not directly affect State finances. The State is not liable for punitive damages under the State Tort Claims Act.

Local Effect: The bill would not directly affect local government finances. Local governments are not liable for punitive damages under the Local Government Tort Claims Act.

Small Business Effect: Potential minimal.

Analysis

Current Law: An award of punitive damages must be based upon actual malice, in the sense of conscious and deliberate wrongdoing, evil or wrongful motive, intent to injure, ill will, or fraud. *Bowden v. Caldor*, 350 Md. 4, 23 (1998).

Additional Information

Prior Introductions: A similar bill was introduced during the 1999 session as HB 323, which received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (District Court of Maryland), Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2000
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